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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/659,167              | 09/11/2000  | Jeffry Jovan Philyaw | PHLY-25341          | 6274             |
| 25883                   | 7590        | 03/24/2004           | EXAMINER            |                  |
| HOWISON & ARNOTT, L.L.P |             |                      | PATEL, JAGDISH      |                  |
| P.O. BOX 741715         |             |                      | ART UNIT            | PAPER NUMBER     |
| DALLAS, TX 75374-1715   |             |                      | 3624                |                  |

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                       |
|------------------------------|------------------------|-----------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>   |
|                              | 09/659,167             | PHILYAW, JEFFRY JOVAN |
|                              | <b>Examiner</b>        | <b>Art Unit</b>       |
|                              | JAGDISH N PATEL        | 3624                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 September 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-24 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 mailed 7/2/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

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**DETAILED ACTION**

***Election/Restrictions***

1. During a telephone conversation with Attorney Howison, Gregory M. (Reg. No. 30646) on March 8, 2004 a provisional election was made without traverse to prosecute the invention of claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

**Status of earlier filed Pre-amendment**

1.1 Note that a applicant has not re-submitted the preliminary amendment in response to PTO communication of Notice of non-compliant Amendment (37 CFR 1.121) dated 7/17/01 (Paper #10). Accordingly, the pre-amendment filed 2/26/2001 (Paper 7) has not been recorded. The applicant is requested that, at least, the typographical errors found in the specification by the applicant and indicated in the pre-amendment be corrected in response to this office action.

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***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 6 and 7 recite the limitation "the user computer". There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5, 7-15 and 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (US Pat. 6,311,214) (Rhoads) and further in view of official notice.

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Per claim 1 Rhoads teaches a method of conducting an e-commerce transaction on a global communication network by using personal account information of a credit card retrieved from a credit card company server on the network, comprising the steps of:

at a user location disposed on the network, reading a machine-resolvable code of the credit card of a user with a reading device;

(col. 3 L "Bedoop data" is any form of digital data..data which, initiates some action. Once detected, the system responds in accordance with the detected Bedoop data (e.g., by initiating some local action, or by communication with a remote computer, such as over the internet, via an online service such as AOL, or using point-to-point dial-up communications, as with a bulletin board system, note that the "Bedoop data" is machine resolvable code read at sensor 22 per Fig.1, at the user computer 14 which is connected to a network 18)

extracted coded information from the MRC (see at least col. 4 L 19-26, ..detects the presence..decoding and col. 5, Para titled Decoding/Encoding);

obtaining routing information associated with the coded information..corresponds to the personal account information of the user stored in the credit card server disposed on the network (col. 7 L 20-36, ..internet server addresses and ..the CLASS and DNS IDs are used in identifying the server computer that will respond to the Bedoop data The UID determines precisely what response should be provided, and col. 22 L24-45);

connecting the user location to the credit card company sever across the network .. (col. 22 L 24+ ..At that address, the holder of the document can review governmental records, such as state or federal tax return data, social security entitlements, etc., as well as privately-maintained records, such as credit records, etc., Bank cards (debit, credit, etc.) can similarly be encoded with Bedoop data to permit the holder to access bank records corresponding to the bank card account.);

presenting the personal account information to the user .. (see analysis of connecting step as discussed above);

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Rhoads does not disclose providing a hyperlink to a web site of a vendor in the personal information for automatic connection of the user location .. and displaying web site information of a product of the vendor web site in response to the user selecting the hyperlink.. as per claim 1.

However, official notice is taken that providing advertisements for products and services of a vendor and hyperlinks of the vendor product to purchase the advertised products and displaying web site information of a product of the vendor in response to selection of the hyperlink of the advertised product by a user is old and well known practice in the field of promotions and advertisements. It is also noted that including advertisement material (inserts) for products and services in the monthly billing statements of credit cards is old and well-known practice. The billing entity in the later case provides all necessary product details and product vendor's web address (or traditional mail address) such that the user is able to select and purchase one or more products.

In view of the aforementioned officially noted fact, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a hyperlink to a web site of a vendor in the personal information presented to the user and display web site information of a product of the vendor in response to the user selecting the hyperlink because this combination would facilitate the credit card issuer to electronically advertise and market (offer for sale) product of its own or other vendors' products who arrange to have their products marketed to the customers of the credit card company.

Claims 2 and 3: MRC is optical data (a bar core code) see col. 3+ ..Bedoop data is any form of digital data encoding recognized by the system 10--data which, in many embodiments, initiates some action.).

Claim 4: the routing information is stored on a user computer at the user location..;

(col. 4 19-26, ..the database. Col. 7 L 30-36, ..identifying the server computer)

Claim 5: refer to analysis of claims 1 and 4.

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Claim 7: ..displayed on a computer display ..connected to the user computer (col. 27 L 43-51).

Claims 8 -10: refer to analysis of claim 1.

7. Claim 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (US Pat. 6,311,214) (Rhoads) and further in view of official notice and further in view of Reynolds et al. (6,149,063)

Claim 6: Rhoads fails to disclose that the reading device is a wireless scanner per claim 6. However, Reynolds (6,149,063) discloses a bar code symbol which includes encoded information pertaining to the base station. A wireless bar code scanner is adapted to scan and decode the network ID label. The wireless bar code scanner initiates a communications link with the base station utilizing information from the decoded network ID label. In view of the aforementioned officially noted fact, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the wireless scanner of Reynolds as the reading device because it would provide a convenient and economical method for associating a wireless device to the user location without requiring a physical interface between the wireless device and the network.

8. Claims 11-15 and 17-20 have been interpreted as system claims that would facilitate practicing of corresponding method claims 1-10 methods. Therefore claims 11-20 have been analyzed as rejected per analysis of claims 1-10 respectively.

#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/22/04